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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMUSEMENT INDUSTRY, INC., dba WESTLAND
INDUSTRIES; PRATICAL FINANCE CO., INC., :

Plaintiffs, : 07CV11586 (LAK)(GWG)
-against- :

MOSES STERN, aka MARK STERN, JOSHUA SAFRIN,
FIRST REPUBLIC GROUP REALTY, LLC, : NOTICE OF MOTION TO
EPHRAIM FRENKEL, : DISMISS THIRD COMPLAINT
LAND TITLE ASSOCIATES ESCROW, : AS AGAINST
Defendants. : EPHRAIM FRENKEL AND
: LAND TITLE ASSOCIATES

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JOSHUA SAFRIN, ESCROW

Defendant/Third Party-Crossclaim-
Counterclaim Plaintiff,
-against-

STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN
INGERSOLL & ROONEY, P.C., BANKERS CAPITAL
REALTY ADVISORS, LLC, and FIRST REPUBLIC
GROUP CORP.,

Third Party Defendants,
-and-

MOSES STERN, aka MARK STERN, FIRST REPUBLIC
GROUP REALTY LLC, EPHRAIM FRENKEL, and
LAND TITLE ASSOCIATES ESCROW,

Defendants/Crossclaim Defendants,
-and-

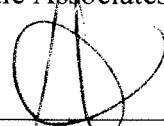
AMUSEMENT INDUSTRY, INC. dba WESTLAND
INDUSTRIES, PRACTICAL FINANCE CO., INC.
Plaintiffs/Counterclaim Defendants.

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PLEASE TAKE NOTICE, that upon the annexed Affidavit of Stephen R. Stern, duly sworn to on May 21, 2008, defendants/Cross-Claim defendants Ephraim Frenkel and Land Title Associates Escrow will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on submission or at such time as the Court may direct, for an order striking or dismissing the Third Party Complaint of defendant Joshua Safrin, pursuant to Rule 14(a) of the Federal Rules of Civil Procedure, for improperly asserting cross-claims in a Third Party Complaint and for such other and further relief in favor of said Defendants as the Court deems appropriate.

Dated: New York, New York
May 21, 2008

HOFFINGER STERN & ROSS, LLP
Attorneys for defendants/Cross-Claim
Defendants Ephraim Frenkel and
Land Title Associates Escrow



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